

National Foreign Intelligence Program Manual (NFIPM)

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NFIPM Section 19 (U) International Terrorism Investigations

(See also MIOG, Part 1, 100-1.2, 100-1.2.2, 100-2.3, 199-1, 256-10, 262-1, 265-1, and 315-1.)

EFFDATE: 04/30/2004 MCRT# 1338 Div. CT Cav: SecClass: Unclassified

Section 19-01 (U) Introduction to International Terrorism Investigations

A. (U) [The 199 (International Terrorism), 265 (Act of Terrorism), 256A (Hostage Taking by International Terrorists), and 262 (Overseas Homicide/Attempted Homicide) classifications have been deleted from the Manual of Investigative Operations and Guidelines (MIOG). The 315 classification (International Terrorism) replaces these four previous violations and will be the appropriate classification for International Terrorism investigations.

B. (U) International Terrorism investigations are national security investigations that support the FBI's priority to protect the United States from terrorist attack. This goal drives the Counterterrorism Division's (CTD's) mission to prevent, disrupt, and defeat terrorist operations before they occur.

C. (U) The nature of International Terrorism investigations must focus on:

1. The complete identification of all subjects.
2. The exhaustive development of intelligence on the operations and capabilities of these subjects, including support, training, recruitment, financing, and attack planning.
3. The dissemination and exploitation of the intelligence, to include human and technical source reporting.
4. A properly targeted response that considers all available investigative opportunities, which includes criminal prosecution. Because of the potential for eventual criminal prosecution, International Terrorism investigations should, whenever possible, be conducted in a manner that preserves this option while collecting disseminable intelligence.

D. (U) Within the international terrorism arena, there is no longer a distinction between "criminal" and "intelligence" investigations, Agents, or squads.

E. (U) There were three significant legal developments after September 11, 2001 that affected International Terrorism investigations:

1. "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001" (USA PATRIOT Act), effective October 26, 2001.
2. "Intelligence Sharing Procedures for Foreign Intelligence and Foreign Counterintelligence Investigations Conducted by the FBI," issued on March 6, 2002 by the Department of Justice (DOJ).
3. Foreign Intelligence Surveillance Court of Review's opinion issued on November 18, 2002, In re Sealed Case, 310 F.3d 717 (FISCR 2002).

(U) These developments removed the "walls" that were historically erected between "criminal" and "intelligence" International Terrorism investigations. They also permit unprecedented coordination among the FBI, DOJ, and the U.S. Intelligence Community (USIC).

F. (U) In support of International Terrorism investigations, CTD has developed a Model Counterterrorism Investigative Strategy (MCIS), detailed within this section, which is to be utilized by International Terrorism investigators and analysts.

G. (U) The FBI shall conduct its International Terrorism investigations in compliance with the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (National Security Investigations Guidelines, or NSIG), which were issued October 31, 2003. The general objective of the NSIG is the full utilization of all authorities and investigative techniques, consistent with the Constitution and laws of the United States, so as to protect the United States and its people from terrorism and other threats to the national security.

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(U) The NSIG permits more aggressive investigation and analysis of international terrorism targets than previously permitted. They authorize three levels of investigative activity in national security investigations: (1) Threat Assessments (TAs), (2) Preliminary Investigations (PIs), and (3) Full Investigations (FIs).

H. (U) In addition to the NSIG, the FBI shall conduct its International Terrorism investigations in compliance with the Constitution, the National Security Act of 1947, 50 U.S.C. 401, et seq., and all other applicable statutes, Executive Order 12333 (December 4, 1981) and other Presidential guidance, DOJ regulations and policies, and other Attorney General guidelines.

I. (U) FBI Headquarters will be the national program manager and office of origin for all Foreign Terrorist Organizations designated by the U.S. Secretary of State. Field offices direct investigations on the activities of these organizations only within their respective [areas of responsibility].

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Section 19-02 (U) Investigative Strategy in International Terrorism Investigations

A. (U) The MCIS represents a paradigm shift in how the FBI conducts International Terrorism investigations. Investigators may use a broad array of techniques to aggressively detect, disrupt, and defeat national security threats. The MCIS allows for complete coordination between investigators who may have in the past focused solely on either intelligence collection or criminal prosecution. The MCIS incorporates an ideal that International Terrorism investigations should be conducted in a robust manner and without delay to ensure every logical international terrorism lead is exhaustively pursued.

B. (U) The strategy (or long-term) goal of an International Terrorism investigation is the to develop intelligence regarding all aspects of the terrorist threat. There are several tactical resolutions that can be used in an investigation. Prosecution for a criminal offense is one tactical weapon that can be used in the arsenal available to defeat international terrorism.

C. (U) International Terrorism investigations are nationally managed by CTD. It is essential during the course of each stage of an investigation that field offices coordinate with the appropriate CTD operational, analytical, reports dissemination, and operational support units.

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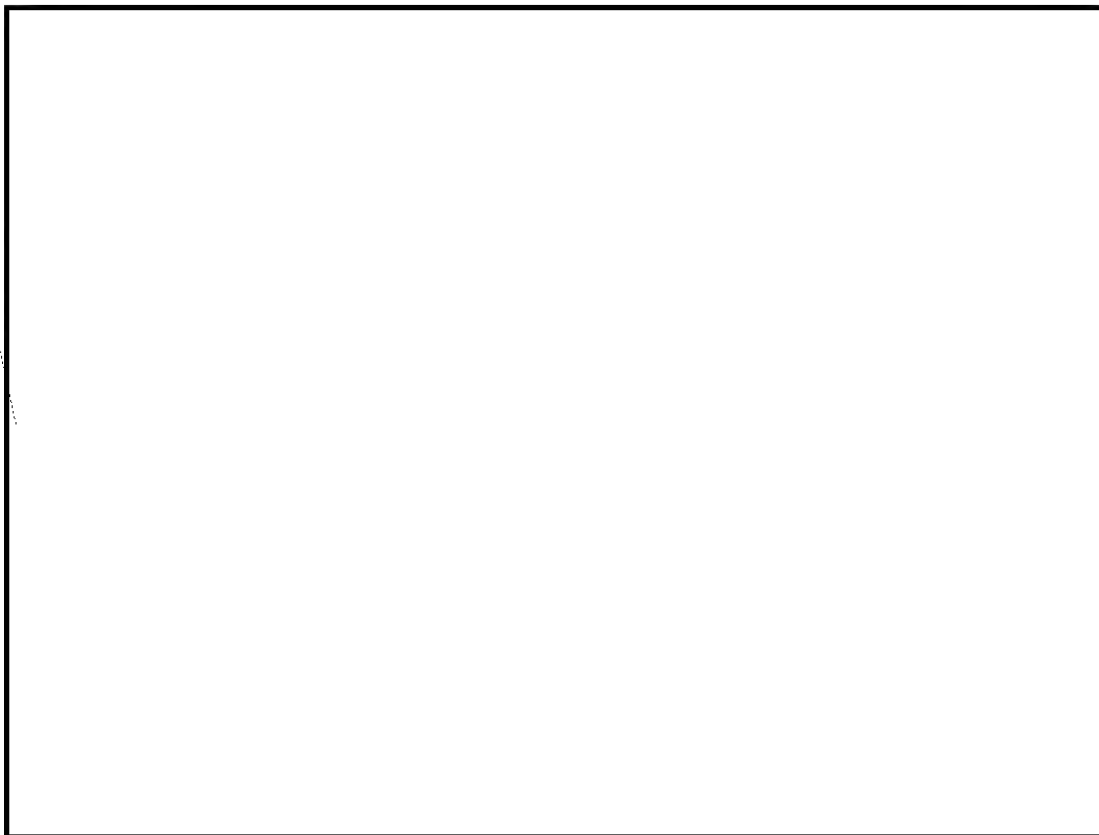
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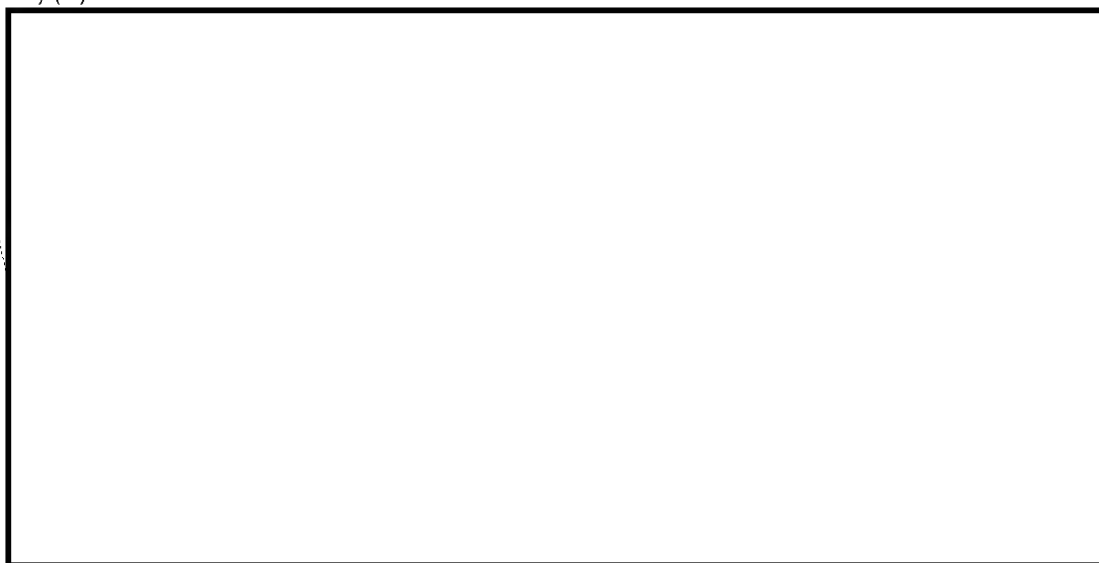
(See 19-03, D.1., below.)

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2: ~~(S)~~ Development of the Intelligence/Collection of the Best Evidence In an International Terrorism investigation, field offices should employ all logical investigative techniques permissible for the level of investigative activity being pursued under the NSIG.

a) (U) THREAT ASSESSMENT

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(U) Under this authority, Agents may attend public events and visit public places and conduct surveillance of individuals or groups present in these public settings for the purpose of determining the presence and extent (nature, scope) of a threat to national security. Surveillance may not be conducted for the sole purpose of monitoring the exercise of rights protected by the Constitution.

(U) The retention of information acquired from visits to public places and events is allowed only if it relates to threats to the national security or potential criminal activity.

b) (U) PRELIMINARY INVESTIGATIONS:

(U) ~~(S)~~ Preliminary Investigations are authorized, generally speaking, when there is INFORMATION OR AN ALLEGATION INDICATING THAT A THREAT TO THE NATIONAL SECURITY MAY EXIST. Preliminary Investigations may relate to individuals, groups, organizations, and possible criminal violations.

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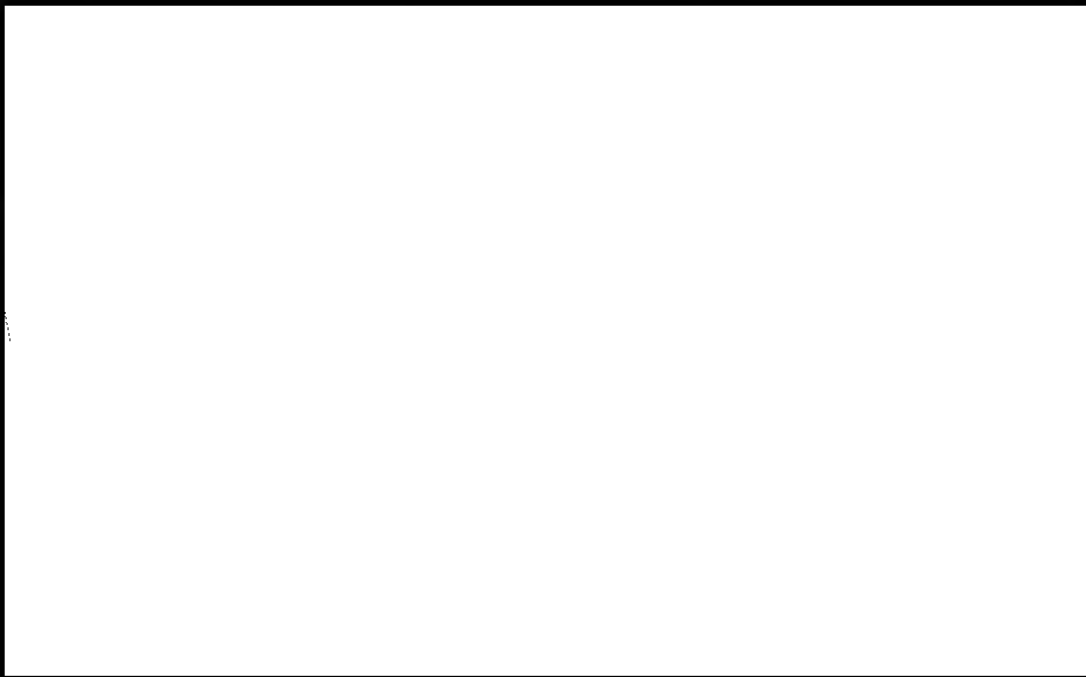
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(U) ~~(S)~~ Counterterrorism-related undercover activities and operations are to be reviewed by and coordinated with the appropriate operational unit and the CTD's Undercover Coordinator.

c) (U) FULL INVESTIGATIONS:

(U) ~~(S)~~ Full Investigations are authorized, generally speaking, when THERE ARE SPECIFIC AND ARTICULABLE FACTS GIVING REASON TO BELIEVE THAT A THREAT TO THE NATIONAL SECURITY MAY EXIST. Like Preliminary Investigations, they may relate to individuals, groups, organizations, and possible criminal violations.

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(U) ~~(S)~~ An International Terrorism investigation should be treated as an important matter that is pursued in a diligent and thorough manner. Every effort should be made to collect the best possible evidence that can be used to prove any criminal conduct emanating from the international terrorist.

d) (U) CIRCUMSTANCES FOR OPENING A PRELIMINARY OR FULL INVESTIGATION

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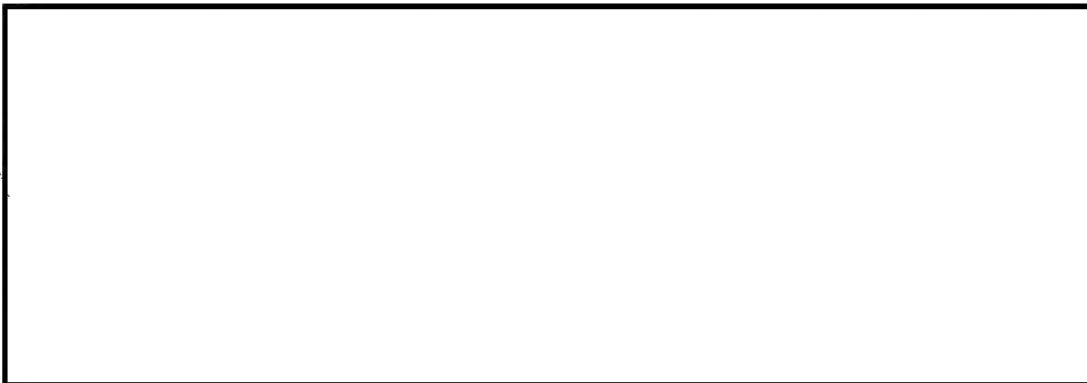


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e) (U) ANNUAL SUMMARIES

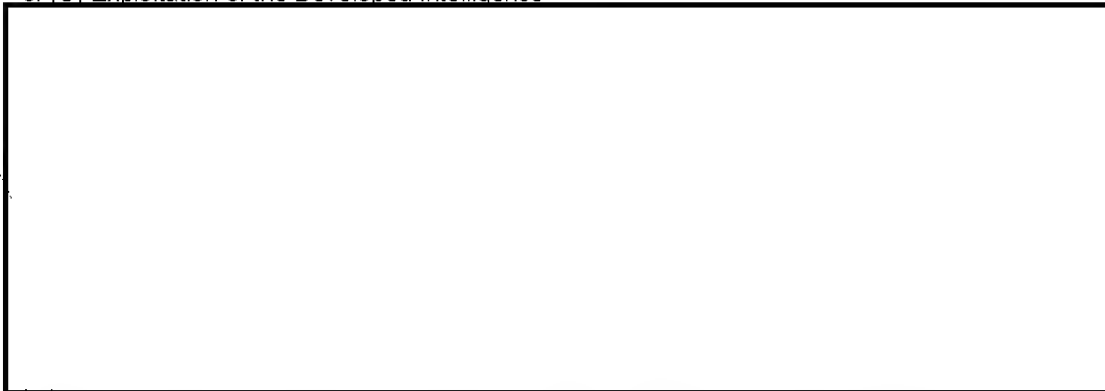
One year after a Full Investigation is authorized and every year thereafter until the Full Investigation is closed, the field office that originated the case shall prepare and provide to CTD a summary of the investigation that includes:

- 1) The information in Part VII.A.2.a-e of the National Security Investigations Guidelines as it relates to the investigation.
- 2) An assessment of the extent to which members of the group are aware of the terrorist aims of the international organization.
- 3) Any sensitive national security matters.
- 4) Caption, consisting of the subject's name, the character of the case, and the words "Full Investigation."
- 5) Paragraphs under the following headings: "Office of Origin"; "Date Investigative Summary Prepared"; "Basis for Investigation"; "Investigation to Date"; and "Objective."
- 6) Name(s) of the subject(s); complete biographical information regarding the subject(s); and information regarding requests for assistance received from foreign law enforcement, intelligence, or security agencies involving USPERs and information on the nature of each such request and whether the requested assistance was furnished or declined.

(U) CTD will forward all such summaries to DOJ's OIPR and Criminal Division. See National Security Investigations Guidelines, Part II.D.4 and Part VII.A.2.

3. (U) Exploitation of the Developed Intelligence

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(U) ~~(S)~~ In addition to furthering the International Terrorism investigation, investigators need to be mindful of the future analytical importance of collected information. The accumulated intelligence may be compared with other information collected from various government and private sources. The strategic analysis that may be performed with this type of information does not need to be tied to any one particular investigation under the NSIG.

(U) ~~(S)~~ In this regard, it is critical that all international terrorist intelligence information, to include human and technical source reporting, be passed to the appropriate operational unit and the

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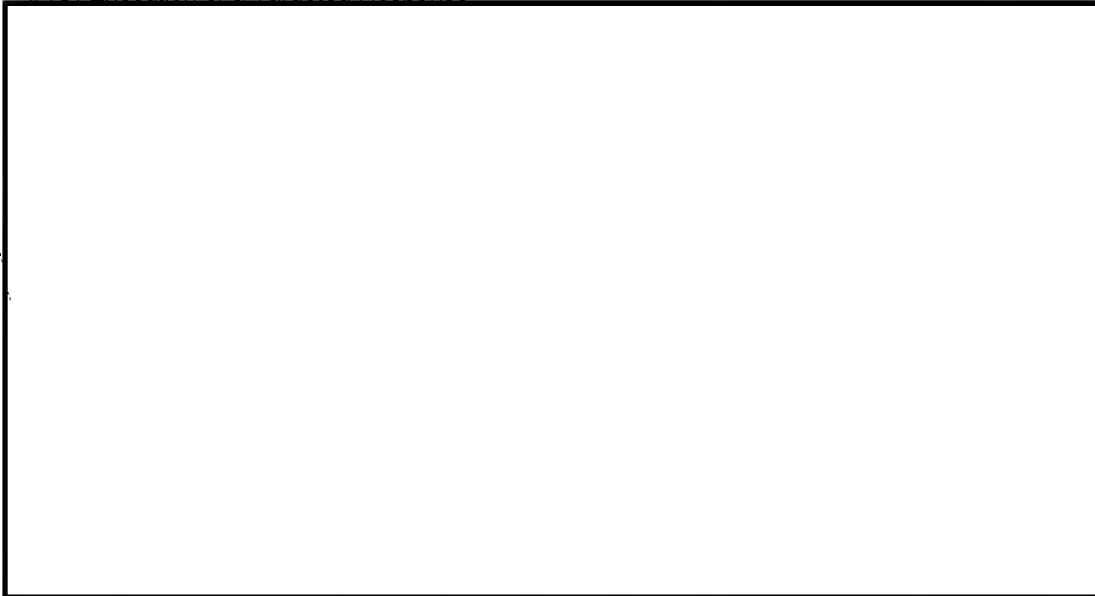
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[REDACTED] CTD via electronic means as soon as possible. This includes the results of relevant interviews, crime scene efforts, information received from local and state law enforcement, and all asset and informant data, etc.

4. (U) Execution of a Targeted Response

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E. (U) Compliance with the Rule of Law - All International Terrorism investigations will comply with:

1. (U) The National Security Act of 1947, 50 U.S.C. 401, et seq.
2. (U) Executive Order 12,333, "United States Intelligence Activities" (December 4, 1981)
3. (U) The Attorney General's Guidelines for FBI National Security Investigations and Intelligence Collection

EFFDATE: 07/25/2004 MCRT# 1345 Div. CT Cav: SecClass: ~~Secret~~

Section 19-03 (U) Procedural Requirements in International Terrorism Investigations

A. (U) There are three levels of investigative activity outlined in the NSIG for the conduct of International Terrorism investigations: (1) Threat Assessments (TA), (2) Preliminary Investigations (PI), and (3) Full Investigations (FI).

1. (U) An International Terrorism investigation in the [REDACTED] must be initiated prior to investigative steps being taken by investigative personnel involved in either a Preliminary or Full Investigation.

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(a) All investigative cases on individuals, groups, or organizations in the [REDACTED] must be characterized as either a Preliminary or Full Investigation. Control files are not investigative cases and thus are not designated as either a Preliminary or Full Investigation. Preliminary investigation initiation dates, and Full Investigation authorization dates, must be included on all inter-office Electronic Communications. The relevant CTD operational unit must be included on all inter-office communications.

(b) Preliminary Investigations and Full Investigations may relate to individuals, groups, organizations, and possible criminal violations. Since these investigations pertain to threats to

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U.S. national security, the notice of initiation must define the known or suspected international terrorism nexus for each individual group, organization or violation.

(c) Preliminary and Full Investigations of groups and organizations should focus on activities related to threats to the national security, not on unrelated First Amendment activities. Any information concerning a group or organization that is relevant to the investigation of a threat to the national security may be sought, including information [REDACTED]

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2. (U) Investigative steps taken [REDACTED] must be documented and uploaded to a control file used as a repository only [REDACTED]

B. (U) If the available information shows at any point that the threshold standard for a Preliminary Investigation or Full Investigation is satisfied, then that level of investigative activity may be initiated immediately, without progressing through more limited investigative stages.

(U) C. ~~(S)~~ Approval Authority for Opening International Terrorism Investigations.

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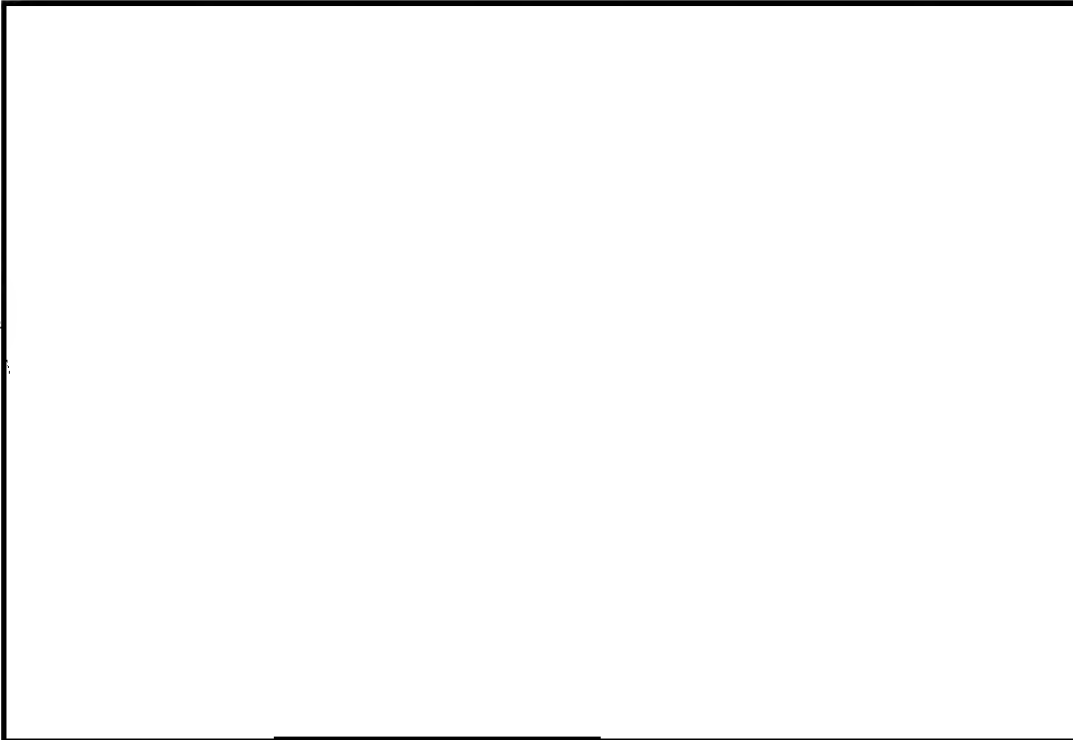
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(U) ~~(S)~~ Upon the conclusion [redacted] field offices will notify FBIHQ via the closing EC which will include both the CTD substantive desk and Counterterrorism, Attention: [redacted] Unit Chief. On the "To:" line]

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(U) F. ~~(S)~~ Case Characters (See also NFIPM, 1-04.)

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G. (U) The case opening will be directed as described above in 19-03, D.1.

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(U) If the terrorist affiliation of the subject is unknown or uncertain the case should initially be classified as [redacted] openings should be directed to [redacted]

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[redacted] for preliminary review and eventual rerouting if and when a more appropriate substantive unit is identified. Cases designated as [redacted] should be used only infrequently, and after consultation [redacted] they should be reclassified [redacted] within 90 days.

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(U) Field office terrorism program managers and supervisors and Legal Attache personnel must stay informed of the various CTD components with operational, analytical, and exploitative responsibility for terrorist groups and the state sponsors of terrorism. One source of information is the CTD website on the FBI Intranet.

(U) An International Terrorism investigation might also impact criminal programs overseen by the Criminal Investigative Division (CID). In those instances, the appropriate CID unit should also be apprised of the investigation in the initial communication to CTD.

(U) Any investigation properly opened as an International Terrorism investigation after delineating specific facts clearly establishing a terrorism nexus, which also possesses a drug nexus, must be conducted not only in conformance with the NSIG, but also in accordance with existing guidelines as stated in MIOG, Part 1, Sections 245 and 281. Since the need for interagency coordination is particularly acute with regard to drug matters, the initial communication advising CTD of the

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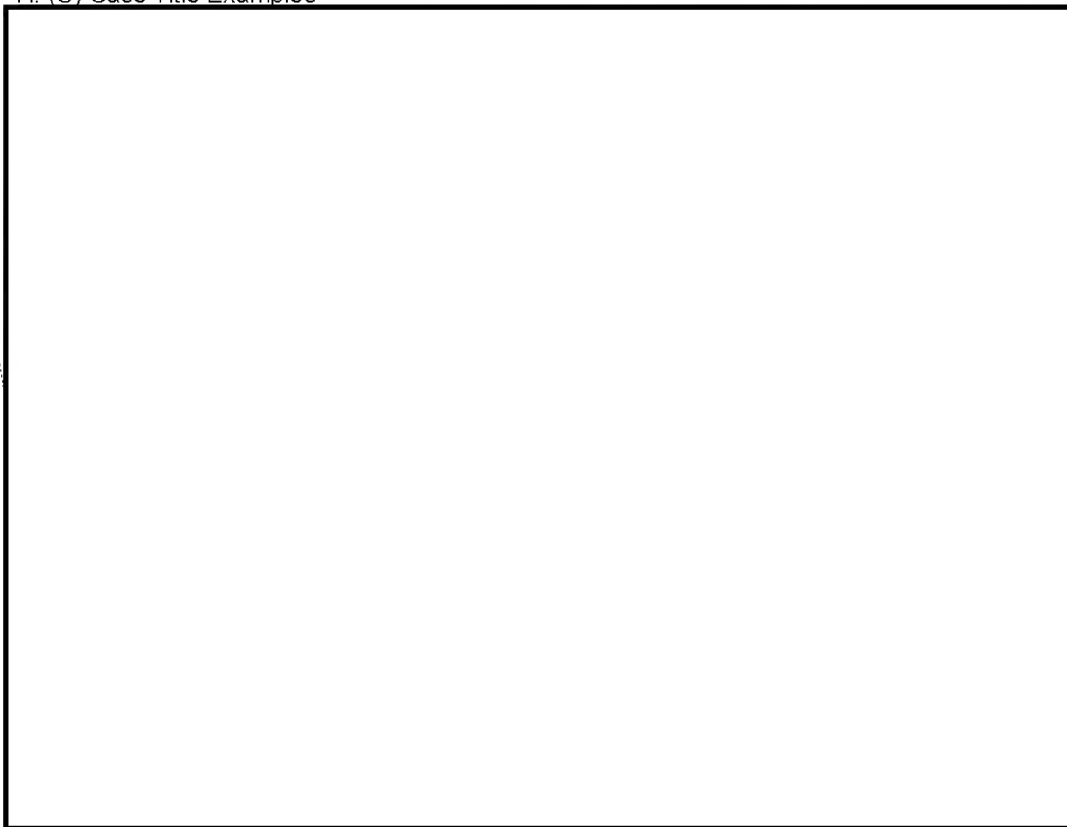
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International Terrorism case initiation must also be directed to the Criminal Investigative Division, Drug Section. If there is an international nexus, then a copy should also be directed to the appropriate Legal Attache for information.

(U) Conversely, if a criminal matter is identified with no discernable or articulated facts indicating a connection to a foreign power, to include international terrorist organizations, then the case should be opened as a criminal matter under CID guidelines and classifications.

H. (U) Case Title Examples

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5. (U) File numbers are unclassified. Case titles, except code word titles, are classified.



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J. (U) Unaddressed Work

1. (U) There will be no unaddressed work within the International Terrorism program of any field office (Reference 66F-HQ-A1308701 Serial 849).

K. (U) Code Word Operations

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1. (U) As appropriate, code word operations may be opened as International Terrorism investigations and conducted in accordance with a Preliminary Investigation or Full Investigation.
- L. (U) Control and Administrative Files (See MAOP, Part 2, 2-4.1.2 and 2-4.1.5)
1. (U) Control files in the 315 classification (315-FO-C) may be maintained by field offices. Control files are separate files established for the purpose of administering specific phases of an investigative matter or program and would not be considered a PI or FI. They are neither Preliminary nor Full Investigations and thus do not require an annual summary.

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M. (U) Subfiles

1. (U) Subfiles should be opened within the International Terrorism investigation in accordance with the standards outlined in MAOP, Part 2, 2-5.1. The list of approved folders, as modified by Virtual Case File, includes:

- 1A 1A Section exhibits
- 1B FD-192s (evidentiary bulkies)
- 1C FD-192s (nonevidence bulkies)
- BC Background Information
- CE Case Expenditures
- ELA ELSUR Administrative
- ELA1 ELSUR Original Logs
- ELA1A ELSUR Copies and Logs
- ELA1B ELSUR Transcripts
- GJ Grand Jury Material
- FISUR Physical Surveillance Logs
- FF Forfeiture Matters
- LAB Laboratory/Latent Reports
- MC Mail Cover Materials
- NC Newspaper Clippings (Press Releases)
- SBP Subpoenas
- TEL Telephone Subscriber and Toll Information

2. (U) In addition, Subfiles should be opened to organize specific investigative aspects of the case file. These subfiles should be created when information pertinent to the categories arises in the case. These special categories include:

- a) FOREIGN Foreign Intelligence, for which permission would need to be granted from a host government prior to release to a third party (for example, the U.S. Attorney's Office).
- b) OGA Intelligence from other government agencies, for which permission to disseminate would be required from the originating service (for example, the Naval Criminal Investigative Service).

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- c) [REDACTED]
- d) CRIMINAL For evidence and other information regarding investigation being pursued relating to specific acts of criminality.
- e) FISA ACCURACY. A sub-file must be created and maintained for each FISA application submitted by the case agent containing the materials relied upon to verify the items on the FISA Verification checklist. The sub-file must also contain a "back up" document for each factual assertion contained in the FISA application that is filed with the FISA Court, other than those describing the foreign power. This documentation must be added to the sub-file for each renewal thereafter. Thus, this sub-file will include:

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O. (U) Classification

1. (U) ACS can only accommodate intelligence up to and including the Secret level. Top Secret intelligence may not be incorporated into ACS. Case File. It is important that investigators properly classify information in terrorism investigations. Classification derives from the sources and methods used to obtain the information, not the actual content of the information. For example, the results of a driver's license check on the subject of a Preliminary Investigation is not classified, since the state department of motor vehicles would likely provide the information on a Law Enforcement Sensitive basis. Similarly, a newspaper article on a subject would not be classified.

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(U) 2. ~~(S)~~ Intelligence received from a foreign government must be marked and handled commensurate with the level of protection the information is accorded by the foreign government providing it. The authorized non-US classification portion abbreviations are:
(TS) for TOP SECRET - NOTE: Top Secret information cannot be uploaded on ACS or sent via Use to transmit Top Secret information.

(S) for SECRET

(C) for CONFIDENTIAL

(R) for RESTRICTED

(U) for UNCLASSIFIED.

(U) Portion mark foreign government information with FGI plus the ISO 3166 trigraphic country code. ISO 3166 country codes are available on the CAPCO Intelink web site (see capco.dssc.ic.gov).

3. (U) Third Party intelligence, from an agency within the U.S. Intelligence Community, should be sent to the OGA (Other Government Agency) subfile.

4. (U) Situations will often arise when classified information obtained during an International Terrorism investigation will be relevant to a criminal or civil proceeding. In this instance, a declassification review will be required, which, in turn, often requires a more fulsome translation effort than has been previously undertaken. FBI field offices must ensure the declassification review process is coordinated with the National Security Law Branch, Office of the General Counsel, and relevant CTD substantive units. If information was properly classified when placed in the case file, the review process will be much more efficient. If the litigation is a criminal case, further coordination may be required with the Department of Justice Criminal Division and relevant United States Attorney's Offices. Any information that should remain classified, and which is relevant to a criminal proceeding, will be managed under the Classified Information Procedures Act (CIPA). Classified information relevant to a civil proceeding may require a claim of State Secrets, which will require substantial involvement with the Office of the General Counsel, the Civil Division of the Department of Justice, and the personal intervention of the Attorney General (or other relevant Cabinet Officer).

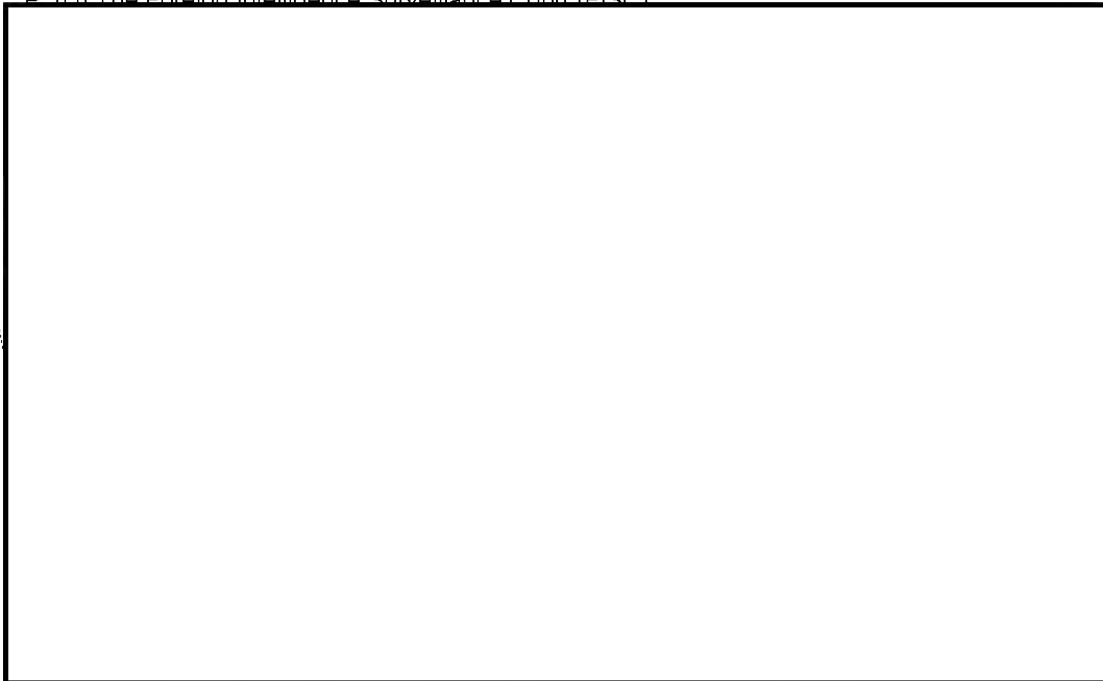
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P. (U) The Foreign Intelligence Surveillance Court (FISC)

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Q. (U) Attorney-Client Privilege

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R. (U) Violent Gang and Terrorist Organization File (VGTOF) and Terrorist Screening Center (TSC) Database

1. (U) Subjects of both Preliminary and Full Investigations must be entered into the Violent Gang and Terrorist Organization File (VGTOF) by completing an FD-930. In the FD-930, case Agents must make a recommendation to the Terrorism Review and Examination Unit (TRES) regarding into which databases the subject should be entered and a recommended Handling Code. Upon closing the Preliminary or Full Investigation, the case Agent shall remove subjects who no longer merit inclusion via form FD-930.

2. (U) The "Miscellaneous" field on the FD-930 should include the case Agent's name and 24/7 contact number, the subject's USPER status and country of citizenship, and any other pertinent information. CLASSIFIED INFORMATION MAY NOT BE LISTED IN THE "MISCELLANEOUS" FIELD.

3. (U) The databases into which a subject can be entered will be listed in the FD-930, but they include the Violent Gang and Terrorist Organization File (VGTOF), TSA No Fly or TSA Selectee lists, Treasury Enforcement Communications Systems (TECS), and Consular Lookout and Support System (CLASS) for non-USPERs.

4. (U) The Handling Codes categories, and a description of each, will be listed in the FD-930.

S. (U) Information Sharing

1. (U) Information acquired during the course of an International Terrorism investigation should be shared as consistently and fully as possible among agencies with relevant responsibilities to protect the United States and its people from terrorism and other threats to national security, except as limited by specific statutory or policy constraints. Information may be disseminated to obtain information for the conduct of a lawful investigation by the FBI.

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2. (U) The FBI (through CTD) shall keep the DOJ Criminal Division and the Office of Intelligence Policy and Review apprised of all information obtained through the conduct of International Terrorism investigations, except as limited by orders issued by the FISC, controls imposed by the originators of sensitive material, or restrictions established by the Attorney General or the Deputy Attorney General in particular cases.
3. (U) Subject to the conditions and terms described in the NSIG, relevant United States Attorney's Offices (USAOs) shall receive information and engage in consultations to the same extent as allowed the DOJ Criminal Division. Thus, the USAOs shall have access to information, shall be kept apprised of information necessary to protect national security and information concerning crimes, shall receive notices of the initiation of investigations and annual summaries, and shall have access to FBI files, to the same extent as the DOJ Criminal Division.
4. (U) Information disseminated to a USAO shall be disseminated only to the United States Attorney (USA) and/or any Assistant United States Attorneys (AUSAs) designated to the DOJ by the USA as points of contact to receive such information. The USA and AUSAs shall have appropriate security clearances and shall receive training in the handling of classified information and information derived from FISA, including training concerning restrictions on the use and dissemination of such information. A disseminable LHM is the appropriate method for presenting investigative findings to the Department of Justice. A copy of the LHM must also be directed to the appropriate CTD operational unit.
5. (U) Pursuant to the Attorney General's Intelligence Sharing Procedures, dated March 6, 2002, the FBI must keep a designated AUSA in the relevant USAO fully informed of all relevant foreign intelligence information, as well as evidence of any crime, including information and evidence obtained or derived from FISA, which arises during International Terrorism investigations. Information obtained or derived from FISA shall be marked as required in Title 50, United States Code, Sections 1806(b) and 1825(c).
6. (U) Foreign intelligence is defined in the NSIG as: "information relating to the capabilities, intentions, or activities of foreign powers, organizations, persons, or international terrorist activities."

NEED DEFINITION OF NATIONAL INTELLIGENCE FROM IRTPA

EFFDATE: 07/25/2004 MCRT# 1345 Div. CT Cav: SecClass: ~~Secret~~

Section 19-04 (U) Closing International Terrorism Investigations

A. General

1. Approval for the closing of a Full Investigation may be granted by the SAC or if authorized by the SAC an ASAC with national security responsibility. FBIHQ concurrence is required to close all Full Investigations. The FBIHQ program manager will formally transmit an electronic communication to the field concurring with the case closing. Upon receipt, the field office will provide notification of this closure to all CTD components noted below.
2. Approval for the closing of a Preliminary Investigation may be granted by the SAC or if authorized by the SAC an ASAC with national security investigative responsibility. An information lead to the FBIHQ substantive unit can direct the case remain open for further investigative action.
3. Prior to closing an international terrorism investigation in field offices must ensure all reasonable investigative techniques have been exploited. By closing the investigation, the field office is affirming it has exhausted all reasonable and practical intelligence collection methods with respect to the investigation.
4. If the investigation has uncovered criminal violations of state or federal law, then a declination from the United States Attorney's Office must be received and documented within the investigative case file.

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B. Closing Communication to FBIHQ

1. The closing communication will be sent to the Counterterrorism Division to the attention of the following:

- a) Substantive unit
 - b) Terrorist Review and Examination Unit (TREX), LX-1 3S-200
 - c) CT Analytical Section, LX-1 3W-400
 - d) TFOS/PMCU, Rm. 4933
 - e) Other sections or units, as appropriate
 - f) Appropriate field office or Legal Attaché ("Legat"), if subject relocated
2. An FD-930 will be enclosed to remove or modify the entry in VGTOF.
3. The Details section of the closing communication will contain the following information:
- a) The type of investigation (i.e., Preliminary or Full)
 - b) The date it was opened
 - c) The date it was converted from a Preliminary Investigation to Full Investigation, if applicable
 - d) If a Full Investigation, then the date and serial number of the most recent Annual Summary
 - e) Whether the investigation involves a United States person
 - f) An assessment of the extent to which the subject is (or members of the group are) aware of the terrorist aims of the foreign power
 - g) Any Sensitive National Security Matters, which are defined in the NSIG as "a threat to the national security involving the activities of an official of a foreign country other than a threat country, a domestic public official or political candidate, a religious or political organization or an individual prominent in such an organization, or news media, or any other matter which, in the judgment of the official authorizing an investigation, should be brought to the attention of FBI Headquarters and other Department of Justice officials."
 - h) Name and all aliases of the subject and complete biographical information regarding the subject
 - i) Subject classification (see D, below)
 - j) A summary of the investigation to include a list of the investigative techniques used, to include:

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k) Whether the case was submitted to the United States Attorney's Office (for criminal prosecution) and result (indictment or declination); if there is a criminal declination, then the case Agent prepares a letter to the United States Attorney's Office that documents the declination, the letter must be uploaded into the case file, and referenced in the closing communication

l) Reason(s) for closure of case (see C, below)

C. Reason(s) for Closure of Case

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Referral/Consult

1. Subject was convicted

a) Include details, to include jurisdiction, statute(s), sentence

2. Subject is incarcerated

a) Include details, to include jurisdiction, statute(s), sentence, incarceration facility, projected release date

b) Incarceration of a subject, by itself, does not meet the basic investigative standard which would merit an international terrorism case to be closed. Factors to be considered prior to closing include, but are not limited to:

4. Subject is believed to have moved out of the field office's area of responsibility, but stayed within the USA

a) The office transferring the case may not close its investigation until the receiving office has located the subject, opened an investigation, and modified the subject's watch list status via submission of a FD-930 to TREX.

b) include details, to include travel information, traveled with whom, location to which subject moved, and which field office has jurisdiction

c) The change of residence of a subject, by itself, does not meet the basic investigative standard which would merit an IT case to be closed. If a subject has moved outside the area of responsibility of a field office, then the current office of origin will prepare a communication transferring the investigation to the field office covering the subject's new residence. This

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communication will summarize the investigation to date and include action leads to both the new field office and the appropriate CTD substantive unit(s) to ensure a seamless and fluid transition between the two field offices.

5. Subject is believed to be deceased

a) Include details, to include basis for belief and circumstances of death

6. Allegations against the subject are without merit

a) Include details

D. Subject Classification

1. Unless the case is being closed due to a finding that allegations against the subject are without merit, provide a characterization of the subject as either an [redacted]

[redacted] and the basis for the classification.

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e) A Recruiter knowingly works to identify and/or attract individuals to participate in terrorism-related activity and/or facilitates those individuals' entry into such activities.

To classify a subject as a Recruiter, investigators must articulate specific information indicating the subject appears to be or could in the near future be expected to knowingly assist a terrorist organization with acquisition of new operatives or supporters.

Examples of information possibly supporting classification of a subject as a Recruiter include:

Detainee reporting naming the subject as knowingly assisting the detainee in his entry into terrorist activity and/or training; records or source reporting related to travel arrangements or contacts indicating the subject facilitates others' travel for overseas terrorist training or indoctrination

f) Other: Subjects of counterterrorism investigations who do not otherwise fit the criteria for the above designations. Describe the known or suspected nexus to a foreign power in detail.

E. Completion and Submission of the FD-930, details are available on the TREX website:

<http://ctd.fbinet.fbi/trex/>

1. Completion of Gang, Subgroup, and File # fields

a) In the Gang field, enter "International Extremist"

b) In the Subgroup field, enter the VGTOF handling code (1, 2, 3, 4, or silent hit)

c) In the File # field, enter the substantive 315 file number, not an administrative file number (such as the 66 classification) or other control file number

2. To remove or modify a record in VGTOF, send a copy of the closing communication and an enclosed FD-930 to the TREX. Check the "Remove" box or the "Supplements Initial Submission" box at the top of the form. The FD-930 must be sent directly to the TREX, not to the substantive unit.

3. Upon closing a Preliminary or Full Investigation, the case agent shall request the removal from U.S. government watch lists of any subject who no longer merits inclusion.

4. Subjects of Full Investigations may remain in VGTOF and other watchlists, if appropriate. Example: The subject of a Full Investigation is still a threat to national security, but moves to another field office's area of responsibility or outside the USA and thus the field office closes its case. Notify appropriate field office or Legat in the Details area of the closing communication

F. Leads: Field offices are required to provide notification to the appropriate CTD substantive desk whenever an investigation is closed.

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Section 19-05 (U) Conclusion

A. (U) The FBI's investigation of international terrorism, through the MCIS, emphasizes collecting, analyzing, and disseminating intelligence on terrorist targets in an effort to prevent future attacks. Criminal prosecution remains a possibility throughout the investigation. This approach, which employs both intelligence collection and traditional law enforcement tools, is a central to the FBI's successful counterterrorism mission.

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Section 19-06 (U) Terrorism Screening Procedures (Watchlisting)

A. (U) Role of the Terrorist Screening Center (TSC)

(U) The TSC was established by Homeland Security Presidential Directive (HSPD) 6 on 09/16/2003, which directed the establishment of an organization that would consolidate the government's approach to terrorism screening and provide for the appropriate and lawful use of

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terrorist information in screening processes. The mission of the TSC is to facilitate and assist in the protection against terrorism by:

1. Consolidating the Government's approach to terrorism screening;
2. Providing for the appropriate and lawful use of the terrorist information in screening processes;
3. Maintaining consolidated, thorough, accurate and current terrorist identities information;
4. Sharing information globally and between the Federal, State, local, territorial, and tribal law enforcement and intelligence communities; and carrying out these activities in a manner consistent with the Constitution and applicable laws protecting privacy and civil liberties.

B. (U) Watchlisting Policy for Known or Appropriately Suspected Terrorists

1. The Counterterrorism Division's (CTD) policy requires that all main IT subjects for both Full and Preliminary Investigations in the 315 classification and all subjects of domestic terrorism (DT) Full Investigations in the 266 classification shall be nominated for entry into the TSC's Terrorist Screening Database (TSDB) and all eligible supported systems if the subject meets the criteria for inclusion. Individuals being investigated as part of a Threat Assessment shall not be included in the TSDB or any of its supported systems. See Section C below for a discussion of the TSDB's supported systems.

2. Main DT subjects for both Full and Preliminary Investigations in the 174 classification and subjects of DT Preliminary Investigations in the 266 classification may, at the discretion of the nominating official (e.g., Joint Terrorism Task Force, FBI Case Agent or Intelligence Analyst, or Headquarters supervisor, if HQ is the Office of Origin), be nominated for entry into the TSDB and, if the subject meets the criteria for inclusion, all eligible supported systems.

3. The nomination of main subjects for entry into the TSDB and all eligible supported systems is consistent with HSPD-6 and the "Memorandum of Understanding On Integration and Use of Screening Information to Protect Against Terrorism," issued 09/16/2003 (the "MOU"), and provides a consistent and efficient method to ensure that only individuals who are known or appropriately suspected terrorists are included in all eligible supported systems.

4. Subjects with no nexus to terrorism shall not be nominated for entry into the TSDB. Terrorist group or organization names cannot be nominated for entry into the TSDB. The procedure for nominating subjects for entry into the TSDB is detailed below in Section D.

C. (U) Terrorist Screening Database and its Supported Systems

(U) The TSC maintains the U.S. Government's consolidated terrorist watchlist, known as the TSDB, of the names and other identifying information for all known or appropriately suspected terrorists. The TSC consolidated into the TSDB the existing subsets of information about known or appropriately suspected terrorists from supported systems.

(U) The TSC receives "Terrorist Identifiers" (as defined in Addendum B to the aforementioned MOU) from two sources. The information about known or appropriately suspected international terrorists comes from the National Counterterrorism Center (NCTC), which assembles and analyzes information from a wide range of sources. The FBI provides the TSC directly with the identities of known or appropriately suspected purely domestic terrorists. The Terrorist Identifiers in the TSDB are deemed For Official Use Only.

(U) The TSDB and its supported systems are used by Federal, State, local, territorial, and tribal authorities and certain foreign governments to screen for known or appropriately suspected terrorists as part of their security or law enforcement missions. These authorities use their systems to run name checks against TSDB data. The TSC regularly exports updated subsets of TSDB data to the following supported systems:

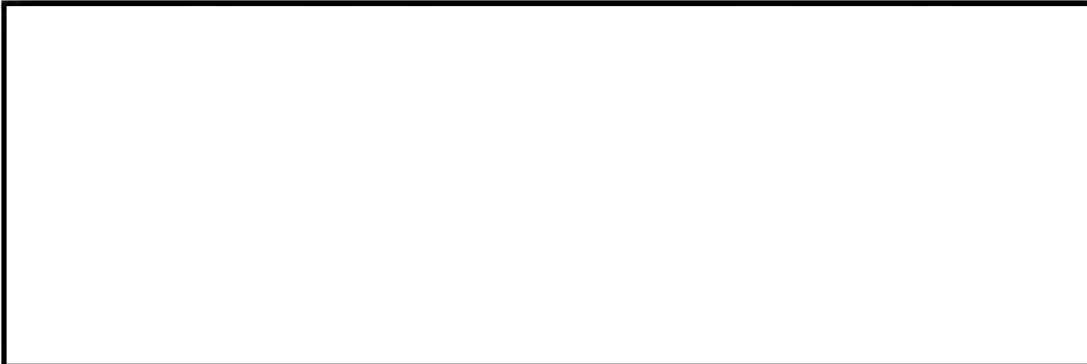
1. Violent Gang and Terrorist Organization File (VGTOF). VGTOF is a file within the National Crime Information Center (NCIC) database that is composed of information in possession of the U.S. Government related to the identities of individuals known or appropriately suspected to be or have been involved in activities constituting, in preparation for, in aid of, or related to IT or DT.
2. No Fly and Selectee Lists. On 10/21/2004, the Homeland Security Council Deputies Committee met and established the following criteria for the No Fly and Selectee Lists:

No Fly List:

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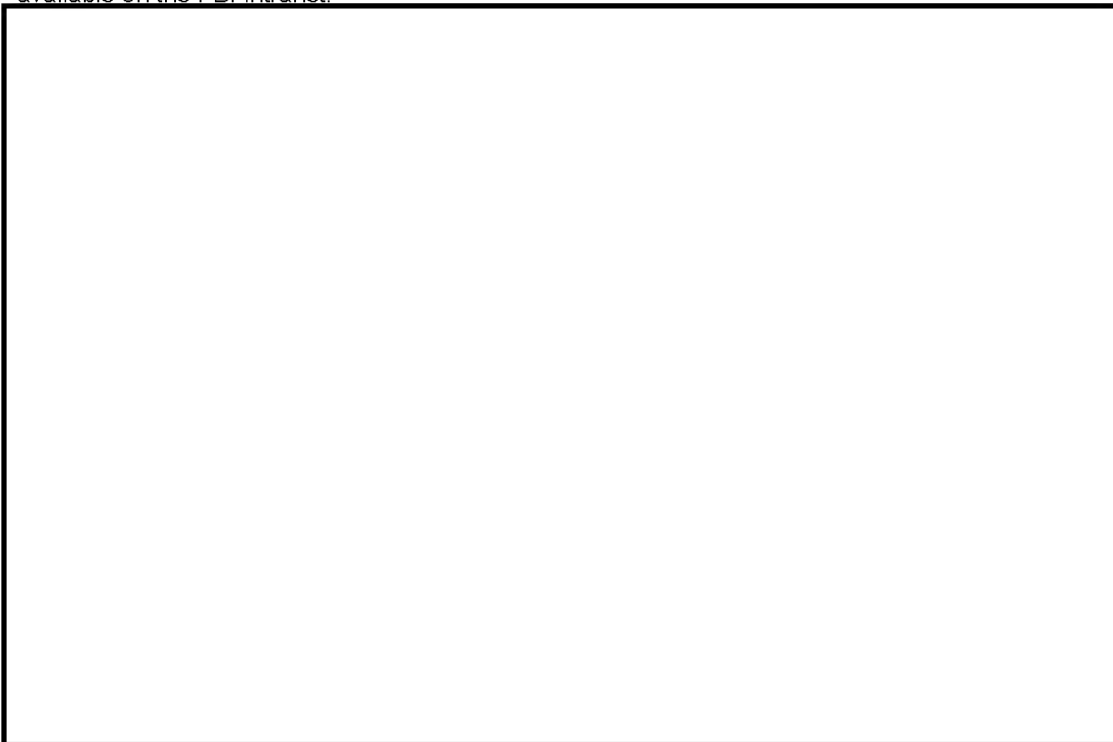
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For additional guidance regarding the implementation of the aforementioned criteria for entry on these two Lists, refer to the No Fly and Selectee List Guidance (dated 07/25/2006) which is available on the FBI Intranet.



D. (U) Nomination of Subjects for Entry into the TSDB and Initial Submission Procedure

1. To nominate a subject to the TSDB, the nominating official (e.g., Joint Terrorism Task Force, FBI Case Agent or Intelligence Analyst, or Headquarters supervisor, if HQ is the Office of Origin) must e-mail the following documents to the Terrorist Review and Examination Unit ("TREX Unit") at HQ_DIV13_TREX:

- a) Opening Electronic Communication ("EC"); and
- b) FD-930 for each subject who is a known or appropriately suspected terrorist. Use the eForm version of the FD-930 to enter the subject; and
- c) Notice of Initiation (NOI) or Letter Head Memo (LHM).

2. An individual watchlisted as a known or appropriately suspected terrorist will be included in all supported systems if the individual meets the criteria for inclusion, unless the justification for exclusion (made in accordance with Section E below), is supported by the TREX Unit and the TSC.

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3. All subjects who qualify for inclusion on the No Fly List will be nominated to that list in no more than 24 hours. Individuals will not be included on the No Fly or Selectee Lists without sufficient derogatory information supporting inclusion.

4. The TSDB contains only the identities of known or appropriately suspected individual terrorists. A nomination to include a subject in the TSDB who is not associated with terrorism will not be processed.

5. The submission of an EC, FD-930 and NOI/LHM affirms the subject is a known or appropriately suspected terrorist. Any FD-930s received without an accompanying EC will not be processed.

6. After the TREX Unit reviews and approves the FD-930, it forwards the FD-930 to NCTC for all IT nominations and directly to the TSC for all purely DT nominations. For IT nominations, NCTC forwards the relevant information to the TSC for entry into the TSDB and eligible supported systems, as appropriate.

E. (U) Exclusion from a Particular Supported System

1. An individual included in the TSDB will be included in all supported systems if the individual meets the criteria for inclusion. An individual may be excluded from a particular supported system in rare cases when there is a reasonable and detailed operational justification for not including the individual in a particular supported system and the request for exclusion has been reviewed and approved by the TREX Unit and the TSC. The reasonable and detailed justification must be included in both the EC and the appropriate field of the FD-930. The existence of a local or state "Sunshine Law" is not sufficient justification for exclusion.

2. The justification to exclude a subject from any particular support system will be reviewed by the TREX Unit and the TSC. After the review, the TREX Unit will notify the nominating official regarding whether CTD: (1) supports the justification resulting in the exclusion of the name from a particular supported system, or (2) finds the justification for exclusion insufficient resulting in the subject's addition to the particular supported system. The TSC will make the final decision.

F. (U) VGTOF Handling Codes

(U) Each record in VGTOF will be assigned a Handling Code, as follows:

1. Handling Code 1 is reserved for individuals for whom there is an active arrest warrant in the NCIC Wanted Persons File. The warrant number must be included on the FD-930. If the arrest warrant is no longer valid, then the case agent has an obligation to submit a new FD-930 to the TREX Unit to update the record. The following banner appears in VGTOF when a Handling Code 1 is encountered:

"WARNING - APPROACH WITH CAUTION

THIS INDIVIDUAL IS ASSOCIATED WITH TERRORISM AND IS THE SUBJECT OF AN ARREST WARRANT, ALTHOUGH THE WARRANT MAY NOT BE RETRIEVABLE VIA THE SEARCHED IDENTIFIERS. IF AN ARREST WARRANT FOR THE INDIVIDUAL IS RETURNED IN YOUR SEARCH OF NCIC, DETAIN THE INDIVIDUAL PURSUANT TO YOUR DEPARTMENT'S PROCEDURES FOR HANDLING AN OUTSTANDING WARRANT, AND IMMEDIATELY CONTACT THE TERRORIST SCREENING CENTER AT [REDACTED] FOR ADDITIONAL DIRECTION. IF AN ARREST WARRANT FOR THE INDIVIDUAL IS NOT RETURNED, USE CAUTION AND IMMEDIATELY CONTACT THE TERRORIST SCREENING CENTER [REDACTED] FOR ADDITIONAL DIRECTION.

IF YOU ARE A BORDER PATROL OFFICER IMMEDIATELY CALL THE NTC."

2. Handling Code 2 is reserved for individuals for whom DHS has or will issue a ADetainer@ should the individual be encountered by law enforcement.

Nominations of individuals in VGTOF with this handling code will require a particularized review of the intelligence records. To use Handling Code 2, a review and approval for legal sufficiency by both the Chief Division Counsel and the Office of General Counsel (OGC) is required for this Handling Code. The TSC-OGC representative, in coordination with the National Security Law Branch (NSLB), will provide such approval for OGC. The following banner appears in VGTOF when a Handling Code 2 is encountered:

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"WARNING -- APPROACH WITH CAUTION

PLEASE DETAIN THIS INDIVIDUAL FOR A REASONABLE AMOUNT OF TIME FOR QUESTIONING. THIS INDIVIDUAL IS OF INVESTIGATIVE INTEREST TO LAW ENFORCEMENT REGARDING ASSOCIATION WITH TERRORISM.

IMMEDIATELY CONTACT THE TERRORIST SCREENING CENTER AT [REDACTED] FOR ADDITIONAL DIRECTION.

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IF YOU ARE A BORDER PATROL OFFICER IMMEDIATELY CALL THE NTC."

3. Handling Code 3 is reserved for those records which contain a full first and last name and a complete date of birth or a full first and last name and a passport number. The following banner appears in VGTOF when a Handling Code 3 is encountered:

DO NOT ALERT THIS INDIVIDUAL TO THIS NOTICE.

THE PERSON QUERIED THROUGH THIS SEARCH MAY BE AN INDIVIDUAL IDENTIFIED BY INTELLIGENCE INFORMATION AS HAVING POSSIBLE TIES WITH TERRORISM.

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CONTACT THE TERRORIST SCREENING CENTER AT [REDACTED] FOR ADDITIONAL IDENTIFYING INFORMATION AVAILABLE TO ASSIST YOU IN MAKING THIS DETERMINATION.

DO NOT ARREST THIS INDIVIDUAL UNLESS THERE IS EVIDENCE OF A VIOLATION OF FEDERAL, STATE OR LOCAL STATUTES. CONDUCT LOGICAL INVESTIGATION USING TECHNIQUES AUTHORIZED IN YOUR JURISDICTION AND ASK PROBING QUESTIONS TO DETERMINE IF THIS INDIVIDUAL IS IDENTICAL TO THE PERSON OF LAW ENFORCEMENT INTEREST.

WARNING -- APPROACH WITH CAUTION.

IF YOU ARE A BORDER PATROL OFFICER IMMEDIATELY CALL THE NTC.

DO NOT ADVISE THIS INDIVIDUAL THAT THEY ARE ON A TERRORIST WATCHLIST.

4. Handling Code 4 is reserved for those records which have limited biographical data, but are of interest to law enforcement. The following banner appears in VGTOF when a Handling Code 4 is encountered:

****DO NOT ALERT THIS INDIVIDUAL TO THIS NOTICE***

THE PERSON QUERIED THROUGH THIS SEARCH MAY BE AN INDIVIDUAL IDENTIFIED BY INTELLIGENCE INFORMATION AS HAVING POSSIBLE TIES WITH TERRORISM.

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CONTACT THE TERRORIST SCREENING CENTER AT [REDACTED] FOR ADDITIONAL IDENTIFYING INFORMATION THAT MAY BE AVAILABLE TO ASSIST YOU IN MAKING THIS DETERMINATION.

DO NOT ARREST THIS INDIVIDUAL UNLESS THERE IS EVIDENCE OF A VIOLATION OF FEDERAL, STATE OR LOCAL STATUTES. ATTEMPT TO OBTAIN SUFFICIENT IDENTIFICATION INFORMATION TO POSITIVELY IDENTIFY THIS INDIVIDUAL IN A MANNER CONSISTENT WITH THE TECHNIQUES AUTHORIZED IN YOUR JURISDICTION.

WARNING - APPROACH WITH CAUTION.

IF YOU ARE A BORDER PATROL OFFICER IMMEDIATELY CALL THE NTC.

DO NOT ADVISE THIS INDIVIDUAL THAT HE IS ON A TERRORIST WATCHLIST

G. (U) Silent Hits

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H. (U) U.S. Person (USPER) status

A subject's USPER status does not affect his/her nomination for entry into the TSDB, but it may affect a subject's export to a particular supported system. For example, the TSC exports USPER identities to DOS's CLASS-Passport system, but not to CLASS-Visa, TUSCAN or TACTICS. Since an USPER would have no reason to apply for a visa to enter the United States, USPERs are not in CLASS-Visa.

I. (U) Nomination of Non-FBI Subjects for Terrorist Screening

1. Individuals who are known or appropriately suspected terrorists, but who are not FBI subjects of an IT investigation, may be nominated by the FBI for inclusion in the TSDB via the NCTC as provided below.

2. The FBI may nominate non-USPERs or presumed non-USPERs (as those terms are defined in the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection, or NSIG, issued 10/31/2003) who are not subjects of IT investigations (315 classification) for entry into NCTC's Terrorist Identities Datamart Environment (TIDE) for terrorist screening purposes. Such entry does not apply to subjects of pending or closed FBI IT investigations (315 classification). For procedures relating to the nomination of an FBI subject for entry into the TSDB, refer to Section D above.

3. All FBI personnel -- either Headquarters or Field Offices -- desiring to submit information (i.e., military detainee or Legat records) to NCTC for terrorist screening purposes must send an EC, uploaded with unrestricted text, to the substantive unit in CTD that has program management responsibility for the terrorist organization to which the known or appropriately suspected terrorist is a member or affiliate.

4. The EC to CTD should contain enough substantive information to identify the individual as a known or appropriately suspected terrorist. Although the teletype to NCTC will not contain sources and methods, the EC to the substantive desk should include the source of the information. The EC should not provide mere conclusions (e.g., "subject is an international terrorist"). Instead, the EC should provide specific justification (e.g., "subject is a member of a HAMAS cell that includes individuals currently opened as Full Investigations in the 315 classification"). Any information that may be subject to use restrictions (i.e., federal grand jury (Rule 6e), FISA, sealed material or Bank Secrecy Act information) should be clearly marked. When known, information that an individual is considered "Armed & Dangerous" should also be clearly marked.

5. The EC should also contain all the identifying information known on the individual:

- a. full legal name and aliases;
- b. dates of birth (month, date, and year);
- c. places of birth;
- d. unique identifying numbers such as alien registration numbers, visa numbers, social security account number(s);
- e. passport information, including passport numbers, countries of issuance, dates and locations of issuance, expiration dates, passport photos, and other relevant data;
- f. countries of origin and nationalities;
- g. physical identifiers, such as sex, race, height, weight, eye color, hair color, scars, marks, or tattoos;
- h. known locations, i.e., addresses;
- i. photographs or renderings of the individual;
- j. fingerprints or other biometric data;
- k. employment data;
- l. license plate numbers; and
- m. any other terrorism information that originators specifically provide for passage to the TSC.

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6. The substantive unit will be required to draft a teletype to NCTC requesting the entry of the individual(s) into TIDE. Based on the derogatory information in the teletype, NCTC will determine whether to nominate an individual to the No Fly or Selectee list. For non-subjects, a teletype is required, since this information is being disseminated outside of the FBI to the U.S. Intelligence Community (USIC).

7. Once the teletype is received by NCTC, a record will be generated and the For Official Use Only (FOUO) identifying information will be forwarded to the TSC. The individual will then be entered into the TSDB and eligible supported systems.

8. The teletype to NCTC should not contain any information identifying sources or methods, since this teletype will be available for review by authorized members of the USIC who have access to NCTC Online. However, it should contain all relevant unclassified identifying information referenced above in subsection 5.

J. (U) On-going Requirement to Update Information

(U) After the initial submission of the FD-930, it is essential that information about a known or appropriately suspected terrorist (e.g., change in investigation status, updated biographical information or in the nominating official's contact information) be updated as information changes and/or new information becomes available. To update or modify a record, check the "Add Data to Existing Record" box or the "Modify or Delete Data from Existing Record" box at the top of the FD-930 and enter the updated information in the appropriate fields. The FD-930 and an EC must be sent via e-mail directly to the TREX Unit with a copy to the substantive unit.

K. (U) Removal of Identities from the TSDB

1. To remove an identity from the TSDB and all the eligible supported systems, e-mail a copy of the approved closing communication and FD-930 to the TREX Unit at HQ_DIV13_TREX. The "Administrative" section of the closing communication should include language to the following effect: "Per concurrence with CTD [reference approving authority and substantive unit], the PI/FI is being closed." Check the "Remove Individual From ALL Watchlisting and Supported Systems" box. The FD-930 and EC must be e-mailed directly to the TREX Unit with a copy to the substantive unit. The TREX Unit does not require hard copies of the FD-930 and EC.

2. When a Preliminary Investigation is closed, the subject must be removed from the TSDB (i.e., VGTOF and the other supported systems).

3. If a Full Investigation is closed because no link to terrorism was established, the subject must be removed from the TSDB. However, if a subject of a Full Investigation moves to another Field Office=s jurisdiction or outside the United States, the subject should remain in the TSDB, if the subject continues to pose a threat to national security. In those cases, the case agent must notify the appropriate FBI Field Office or Legat in the closing communication that his/her subject is moving to their jurisdiction.

L. (U) Expedited Nominations

(U) In the event that a subject must be watchlisted in an expeditious manner (e.g., the known or appropriately suspected terrorist's travel is imminent), a nomination may be processed directly by the TSC. This expedited action, known as an Expedited Nomination, ensures the subject's information is sent to TSC's exported data base (i.e., No Fly List, Selectee List, VGTOF, IBIS, CLASS, TUSCAN and TACTICS) for immediate notification. Expedited nominations must still meet the criteria for entry in the TSDB. Most Expedited Nominations will request placement on the Transportation Security Administration's (TSA) No Fly or Selectee List. The TSC will determine if the subject qualifies for either of these lists. In addition to the TSA lists, the expedited nominee should also be placed in VGTOF and IBIS. The DOS's representative at TSC will be notified to determine the necessity and expeditious nature of placing the subject(s) in CLASS and the other supported systems (TACTICS and TUSCAN).

(U) All Expedited Nominations will be processed immediately at TSC, and thereafter the nominations paperwork will be sent to NCTC for IT matters (so that a record in TIDE can be created) or the TREX Unit for DT matters for the nomination process on the next business day. The TSC will remove the expedited record from the TSDB and all supported system 72 hours

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later, unless the nominating official forwards sufficient derogatory information through the routine process.

(U) All non-expedited requests will be processed through the normal daily ingest process and should be submitted to the TREX Unit. The TREX Unit will submit to NCTC for IT matters and directly to TSC for purely domestic matters.

M. (U) Arrest Warrants and Interpol Notices for Watchlisted Individuals

If there is an active arrest warrant in the NCIC Wanted Persons File for a subject in the TSDB, then the case agent must submit both a notification EC and FD-930 to the TREX Unit. VGTOF Handling Code 1 is reserved for subjects who have an active arrest warrant in the NCIC Wanted Persons File.

1. The notification EC and FD-930 must include the NCIC Warrant Number listed in the NCIC Wanted Persons File. In the case of currently watchlisted individuals, this documentation should also include any descriptive, biographical, or cautionary information about the subject that has not already been entered into the TSDB. The TREX Unit will enter the information into VGTOF, and, if necessary, make an appropriate change to the subject's handling code.

2. If there is an active arrest warrant for the subject, absent sensitive circumstances, the case agent should apply for an Interpol Red Notice. Interpol publishes these notices to their member states with a view to arrest and extradite the person to the country who holds the arrest warrant. The application for an Interpol Red Notice is available on the FBI's Intranet or by contacting an FBI representative at Interpol's U.S. National Central Bureau in Washington, D.C.

3. If an Interpol Red Notice is filed, then notification must be submitted to the TSC and the appropriate unit at FBIHQ. The Red Notice notification may be included in the original notification EC concerning the arrest warrant, or in a later EC as needed. The TSC will enter into the TSDB that the individual is subject of an Interpol Red Notice.

4. If an arrest warrant is no longer active in the NCIC Wanted Persons File (e.g., the arrest warrant has been served or recalled by the court), then a notification EC must be sent to the TREX Unit. The TREX Unit will make an appropriate entry into VGTOF reflecting the disposition of the warrant.

5. In rare circumstances, such as a sealed indictment, it may be necessary to keep information concerning an arrest warrant out of the TSDB. In such circumstances, the notification EC concerning the warrant must articulate a reasonable and detailed justification for such exclusion.

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Section 19-08 (U) Deleted

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Section 19-09 (U) Deleted

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Section 19-10 (U) Human Rights Offenses

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The above deleted text does not pertain specifically to 315 investigations. If its inclusion is necessary in the NFIPM, then it should be moved to a different section that does not deal specifically with 315 investigations.

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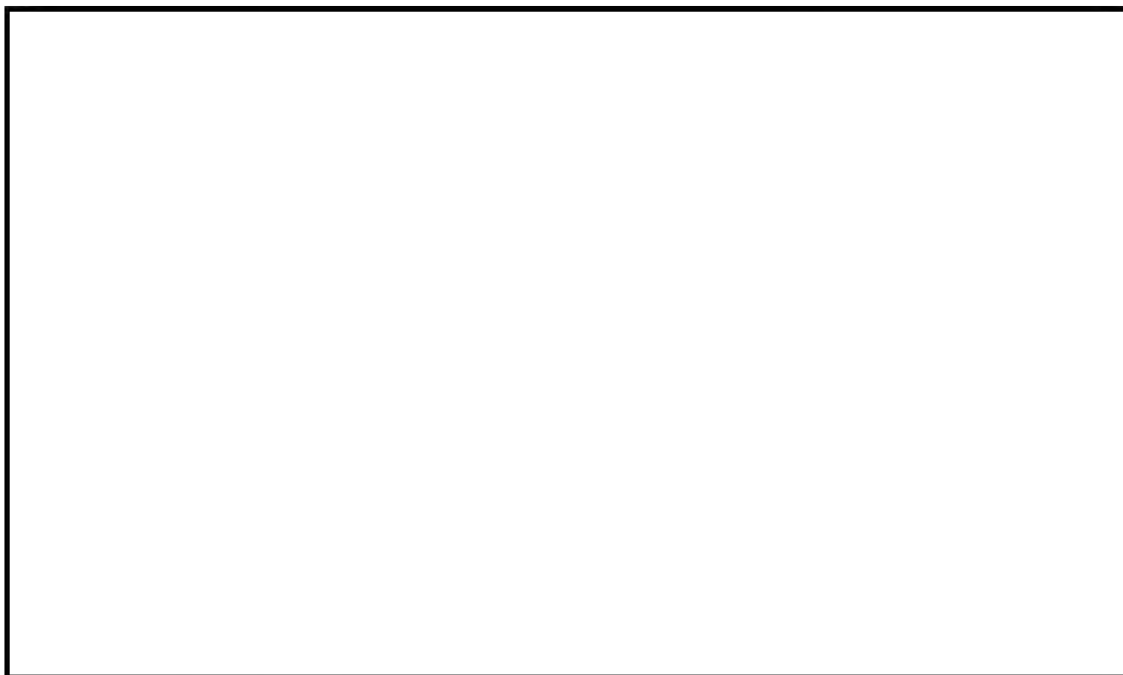
Section 19-11 (U) The Behavioral Analysis Program

A. (U) See: Section 2-35, supra.

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Section 19-12 (U)



Section 19-13 (U) Alpha Designations

A. (U) See: Section 1-04, supra.

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